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EXAMINER				
OSMAN, RAMY M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/618,089

Applicant(s)

PANEC ET AL.

Examiner

RAMY M. OSMAN

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on January 22, 2008, where applicant amended claims 1-3,5-8,10-21,27,29. Claims 1-29 are pending.

Response to Arguments

2. Applicant's arguments filed 1/22/2008 have been fully considered and are found to be persuasive. Therefore the previous rejection is withdrawn. However a new grounds of rejection in view of newly cited art follows.
3. The “program per se” 101 rejection is withdrawn in view of amendments of 1/22/2008. However a new 101 rejection is presented below.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1,2,4-21 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite “computer readable medium”. Paragraph 42 line 12 of Applicants disclosure (see PG Publication 2005/0246424) states that “computer readable media” encompass “carrier wave signals”. From this it is clear that the scope of the claimed computer readable medium is intended to cover communication media which, include signals, such as a carrier waves. A signal does not fall within any of the statutory categories and

is not patentable subject matter. **See MPEP Chapter 2106 Section IV.B.¶4 and Chapter 2106.01**

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-29 rejected under 35 U.S.C. 102(e) as being anticipated by Mikalsen et al (US Patent No 6,832,243).

6. In reference to claim 1, Sugawara teaches a computer-readable medium having code stored thereon, the code executable by a processor to perform a computer implemented method of operating a message exchange network, the computer implemented method, comprising:

defining a plurality of event categories, each event category of said plurality of event categories being associated with a different one of a plurality of stages of messaging between a message sender and a message recipient, said stages of said messaging including posting of a message, routing of a message, delivery of a message, response to a delivered message (column 3 lines 18-22 and column 4 lines 28-38);

detecting an error condition during messaging between a message sender and a message recipient (column 5 lines 54-57);

coordinating said error condition with an identified one of said stages of said messaging (column 5 lines 58-61);

generating an alert message indicating said error condition and said identified stage of said messaging; and transmit said alert message to said message recipient (column 5 lines 1-8).

7. In reference to claim 4, Sugawara teaches the computer-readable medium of claim 1, wherein said messaging occurs via a public network (column 3 lines 10-15).

8. In reference to claim 5, Sugawara teaches the computer-readable medium of claim 1, wherein said detecting said error condition includes: detecting said error condition in connection with processing of a message generated by said message sender (column 3 lines 18-24).

9. In reference to claim 6, Sugawara teaches the computer-readable medium of claim 5, wherein said coordinating said error condition with said stage of said messaging includes: coordinating said error condition with one of posting of said message by said message sender, routing of said message to said message recipient, delivery of said message to said message recipient, and response to said message by said message recipient (column 7 lines 1-15).

10. In reference to claim 7, Sugawara teaches the computer-readable medium of claim 1, wherein said transmit said alert message include: transmit said alert message to said message recipient even when said message generated by said message sender is not delivered to said message recipient (column 7 lines 1-15).

11. In reference to claim 8, Sugawara teaches the computer-readable medium of claim 1, wherein said transmitting said alert message includes: transmitting said alert message to said at least one of said message sender and said message recipient via a public network (column 3 lines 10-15).

12. In reference to claim 2, Sugawara teaches a computer-readable medium, comprising:

define a plurality of event categories, each event category of said plurality of event categories being associated with a different one of a plurality of stages of messaging between a message sender and a message recipient, said stages of said messaging including posting of a message, routing of a message, delivery of a message, and response to a delivered message (3 lines 18-22 and column 4 lines 28-38);

detecting a first event during said first stage of said messaging (column 5 lines 54-57);
coordinating said first event with said first event category (column 5 lines 58-61); and
generate a first alert message indicating said first event and said first event category; and
transmitting said first alert message to said message recipient (column 5 lines 1-8).

13. In reference to claim 9, Sugawara teaches the computer-readable medium of claim 2, wherein said messaging occurs via a public network (column 3 lines 10-15).

14. In reference to claim 10, Sugawara teaches the computer-readable medium of claim 2, further comprising: transmitting said first alert message to at least one of said message sender and said message recipient (column 7 lines 1-15).

15. In reference to claim 11, Sugawara teaches the computer-readable medium of claim 10, wherein said transmit said first alert message include: transmit said first alert message to said at least one of said message sender and said message recipient via a public network (column 5 lines 1-8).

16. In reference to claim 12, Sugawara teaches the computer-readable medium of claim 2, further comprising: transmitting said first alert message to a monitoring application program (column 5 lines 1-8).

17. In reference to claim 13, Sugawara teaches the computer-readable medium of claim 12, wherein said transmitting said first alert message include: transmit said first alert message to said monitoring application program via a public network (column 5 lines 1-8).

18. In reference to claim 14, Sugawara teaches the computer-readable medium of claim 2, further comprising: detecting a second event during said first stage of said messaging; and coordinating said second event with said first event category (§ 200-203,208).

19. In reference to claim 15, Sugawara teaches the computer-readable medium of claim 14, wherein said first event and said second event correspond to different error conditions during of said messaging (column 7 lines 1-20).

20. In reference to claim 16, Sugawara teaches the computer-readable medium of claim 14, wherein said generate said first alert message include: generating said first alert message indicating said first event, said second event, and said first event category (column 7 lines 1-15).

21. In reference to claim 17, Sugawara teaches the computer-readable medium of claim 14, further comprising: generating a second alert message indicating said second event and said first event category (column 7 lines 1-20).

22. In reference to claim 18, Sugawara teaches the computer-readable medium of claim 2, wherein said plurality of event categories includes a second event category associated with a second stage of said messaging, the computer-readable medium further comprising: detecting a second event during said second stage of said messaging; and coordinating said second event with said second event category (column 7 lines 1-20).

23. In reference to claim 19, Sugawara teaches the computer-readable medium of claim 18, wherein said first event corresponds to a first error condition, and said second event corresponds to a second error condition (column 7 lines 1-20).
24. In reference to claim 20, Sugawara teaches the computer-readable medium of claim 18, wherein said generating said first alert message include: generate said first alert message indicating said first event, said second event, said first event category, and said second event category (column 7 lines 1-20).
25. In reference to claim 21, Sugawara teaches the computer-readable medium of claim 18, further comprising: generating a second alert message indicating said second event and said second event category (column 7 lines 1-20).
26. In reference to claims 3-26 and 27-29, these are method claims that correspond to the computer readable medium claims of 1,4-8. Therefore claims 3-26 and claims 27-29 are rejected based upon the same rationale as the above rejections.

Conclusion

27. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.
28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2157
May 12, 2008